

**AMENDMENTS****In the Specification:**

Pages 68-69, please amend the paragraph beginning at page 68, line 7 and ending at page 69, line 6 as follows:

When the objective lens 27 is driven to be displaced, the reflected light from the first recording layer 21a has an irradiated position thereof in the hologram pattern 25 changing to the one direction or the other direction of the radial direction R as shown in FIGS. 10, 11, 13 and 14. To be specific, when the objective lens 27 is driven to be displaced in the radial direction R, the irradiated position of the reflected light led to the hologram patter 25 changes to the splitting direction X in the hologram pattern 25 in such a manner that an optical axis thereof is included in the first virtual plane 40. In the hologram pattern 25, the axial vicinity portion 38 is formed in a region including a mobilization regional portion at the time that the radiation range of the reflected light from the second recording layer 21b is displaced along with the displacement of the objective lens 27, in a case where the radiation range of the reflected light from the second recording layer 21b is smaller than the radiation range of the reflected light from the ~~second~~ first recording layer ~~[[21b]]~~ 21a. The axial vicinity portion 38 has a size in a radial direction set to the extent that the reflected light from the second recording layer 21b does not enter the first and second TES splitting units 35 and 36 even when the objective lens 27 is driven to be displaced in the radial direction R.